Public Prosecutor v Abg Shukeri bin Abg Mustafa (m)

HIGH COURT (KUCHING) — CRIMINAL TRIAL NO 45–08 OF 2008–II
RHODZARIAH BUJANG JC
19 FEBRUARY 2010

Criminal Law — Penal Code — s 300(d) — Murder — Whether actions of accused so imminently dangerous that such action in all probability would cause death — Accused killing victim by pouring petrol on her and setting her on fire — Whether death probable result — Whether evidence of pathologist admissible — Whether defence of accidental death established — Whether prima facie case of murder proven

Criminal Procedure — Trial — Defence's case — Failure by defence to cross-examine investigating officer on material facts — Whether amounted to acceptance of testimony

Evidence — Cross-examination — Scope and effect of — Failure by defence to cross-examine investigating officer on material facts — Whether amounted to acceptance of testimony

Evidence — Expert evidence — Qualifications of expert — Pathologist — Murder victim burnt to death — Whether conclusion reached by pathologist who was not burns specialist on cause of death admissible

Evidence — Relevancy — Conduct after event — Whether subsequent conduct of murder accused admissible to show culpability

Evidence — Witness — Credibility of — Assessment of credibility based on demeanor — Murder accused brash and defiant when giving evidence — No remorse or contrition shown

The accused was charged with murder. He allegedly killed his own sister-in-law by pouring petrol on her and setting her up on fire. The victim's aunty ('PW2') testified that on the night of the incident, she was watching television with the victim when the accused in an agitated manner poured petrol over the victim, struck a stick match and ignited her. When the

deceased was burning, he ran, only to surrender himself to the police station on the same night. PW2 said that even before he poured petrol on the victim, the accused had already had his motorcycle's engine running and made his escape immediately after. The victim's father ('PW3') and brother ('PW4') both gave evidence that they were in the house at that material time. PW3 testified that before the incident, he saw the accused going to his bedroom where his wife and children were. He saw the accused close the bedroom door with a thud and said to his family *'Selamat tinggal kitak semua'*. After this he heard the victim screaming and saw her on fire. The accused in his defence claimed that, on the evening in question, the victim had physically abused his two children. The accused and the victim had an argument about the alleged beating. That night the accused wanted to go out but found that his motorcycle fuel was low. He then took petrol in a pail from underneath the staircase and tripped over a child's barrier causing the petrol in the pail to spill over the deceased who was seated nearby and watching television. He claimed that a mosquito coil which was placed near the victim was the cause of the combustion. The prosecution, inter alia, argued that the court should disregard the evidence of the pathologist because he was not a burn specialist.

Held, convicting the accused of murder and sentencing him to death:

(1) The court could accept the conclusion reached by the pathologist and his finding that the cause of death was due to the extensive burn (see para 11); *Seraman @ Jayaraman a/l A Adipan v Public Prosecutor* [2009] 3 MLJ 64 referred.

(2) The act of the accused in setting the victim ablaze after pouring petrol over her was so 'imminently dangerous' that death was a probable result. His act fell squarely within the definition of murder under s 300(4) of the Penal Code. A prima facie case had been made out against the accused (see para 13).

(3) The defence was one of accident — the spilling of the petrol and the victim's combustion was due to the mosquito coil which was placed near where the victim sat on the mattress. However, the defence failed to cross-examine the investigating officer on the presence of the mosquito coil stand and the milk tin cover used as the tray for the coil when the latter testified. Failure to cross-examine a witness on a crucial part of the case amounted to an acceptance of his testimony (see paras 19 & 21); *Wong Swee Chin v Public Prosecutor* [1981] 1 MLJ 212 referred.

(4) From the evidence, it was safe for the court to surmise that the accused bore a grudge against the victim for the perceived ill-treatment of his children. The court's observation of his demeanour in the witness box bore this out as well. He was brash and defiant when giving evidence —

not a hint of remorse or contrition after having caused the death of the victim, directly (or indirectly as per his own defence) (see para 22).

(5) If the spilling of the petrol was accidental, the accused would have had no reason to go to his brother's house to calm his nerves and to also fear for his own safety so much so that he had to surrender himself to the police station. Conduct of the accused after the event was relevant to explain his state of mind at the material time and in this case it pointed to his culpability of the offence as charged (see para 23).

(6) There was a clear absence of motive or reason why PW2 or PW3 would want to lie about the tragic events of that night and pinned the blame on the accused for the accused himself admitted that his relationship with both of them were good. They were witnesses of truth (see para 27).

[Bahasa Malaysia summary

Tertuduh telah dituduh membunuh. Dia dikatakan telah membunuh kakak iparnya sendiri dengan mencurah petrol ke atasnya dan membakarnya. Ibu saudara mangsa ('PW2') telah memberi keterangan bahawa pada malam kejadian dia sedang menonton televisyen bersama mangsa apabila tertuduh yang berkelakuan gelisah telah mencurah petrol ke atas mangsa, menyalakan mancis dan membakarnya. Apabila si mati terbakar, dia melarikan diri, dan menyerah diri di stesen polis pada malam yang sama. PW2 berkata bahawa sebelum dia mencurah petrol ke atas mangsa, tertuduh telahpun menghidupkan enjin motosikalnya dan melarikan diri sejurus kemudian. Bapa ('PW3') dan abang mangsa ('PW4') telah memberikan keterangan bahawa mereka berada di rumah pada masa yang material. PW3 telah memberi keterangan bahawa sebelum kejadian itu, dia melihat tertuduh pergi ke bilik tidurnya di mana isteri dan anak-anaknya berada. Dia melihat tertuduh menutup pintu bilik tidur itu dengan kuat dan berkata kepada keluarganya 'Selamat tinggal kitak semua'. Setelah itu dia mendengar jeritan dan nampak mangsa terbakar. Tertuduh dalam pembelaannya mendakwa bahawa pada petang yang dipersoalkan itu mangsa telah mendera dua orang anak tertuduh secara fisikal. Tertuduh dan mangsa telah bertengkar tentang pukulan yang dikatakan itu. Malam itu tertuduh ingin keluar tetapi mendapati minyak motosikalnya hampir kehabisan. Dia kemudian mengambil petrol dalam baldi di bawah tangga dan tersandung pengadang kanak-kanak menyebabkan petrol dalam baldi itu tertumpah ke atas si mati yang duduk berhampiran dan sedang menonton televisyen. Dia mendakwa bahawa lingkaran ubat nyamuk yang terletak berdekatan mangsa merupakan sebab pembakaran itu. Pihak pendakwaan, antara lain, berhujah bahawa mahkamah tidak patut menerima keterangan ahli patologi kerana dia bukan pakar luka terbakar.

Diputuskan, mensabitkan tertuduh dengan pembunuhan dan menjatuhkan hukuman mati ke atasnya:

(1) Mahkamah boleh menerima kesimpulan yang dibuat oleh ahli patologi dan penemuannya bahawa sebab kematian adalah akibat luka terbakar yang melampau (lihat perenggan 11); *Seraman @ Jayaraman a/l A Adipan v Public Prosecutor* [2009] 3 MLJ 64 dirujuk.

(2) Tindakan tertuduh yang mengakibatkan mangsa terbakar setelah mencurah petrol ke atasnya adalah 'imminently dangerous' sehingga mungkin mengakibatkan kematian. Tindakannya jelas terangkum dalam takrif pembunuhan di bawah s 300(4) Kanun Keseksaan. Kes prima facie telahpun dibuat terhadap tertuduh (lihat perenggan 13).

(3) Pembelaannya adalah kemalangan — petrol tertumpah dan mangsa terbakar akibat lingkaran ubat nyamuk yang terletak berhampiran mangsa yang sedang duduk di atas tilam. Walau bagaimanapun, pihak pembelaan gagal memeriksa balas pegawai penyiasat tentang kewujudan lingkaran ubat nyamuk itu dan penutup tin susu yang digunakan sebagai alas untuk lingkaran itu semasa pegawai penyiasat memberi keterangan. Kegagalan untuk memeriksa balas saksi tentang bahagian kes yang penting membentuk penerimaan testimoninya (lihat perenggan 19 & 21); *Wong Swee Chin v Public Prosecutor* [1981] 1 MLJ 212 dirujuk.

(4) Berdasarkan keterangan, adalah selamat untuk mahkamah mengagak bahawa tertuduh menyimpan dendam terhadap mangsa kerana telah menganiaya anak-anaknya. Penelitian mahkamah tentang perilakunya dalam kandang saksi juga menggambarkan sedemikian. Dia bersikap kasar dan ingkar semasa memberikan keterangan — tiada sedikit tanda sesal atau mempunyai perasaan sesal setelah mengakibatkan kematian mangsa, secara langsung (atau tidak langsung sepertimana dalam pembelaannya sendiri) (lihat perenggan 22).

(5) Jika tumpahan petrol adalah secara tidak sengaja, tertuduh tiada sebab untuk pergi ke rumah abangnya bagi menenangkan ketegangan perasaannya dan juga kerana takut akan keselamatan dirinya sehinggakan dia telah menyerah diri di balai polis. Kelakuan tertuduh selepas kejadian itu adalah relevan untuk menjelaskan keadaan mindanya pada masa matan dan dalam kes ini ia menunjukkan kebersalahannya terhadap kesalahan-kesalahan seperti yang dituduh (lihat perenggan 23).

(6) Jelas tiada motif atau alasan untuk PW2 atau PW3 menipu tentang kejadian tragik malam tersebut dan menyalahkan tertuduh kerana tertuduh sendiri telah mengakui hubungan antara mereka berdua adalah baik. Mereka merupakan saksi-saksi yang boleh dipercayai (lihat perenggan 27).]

Notes

For cases on credibility of witness, see 7(1) *Mallal's Digest* (4th Ed, 2010 Reissue) paras 2750–2779.

For cases on defence's case, see 5(1) *Mallal's Digest* (4th Ed, 2007 Reissue) paras 4739–4743.

For cases on qualifications of expert, see 7(1) *Mallal's Digest* (4th Ed, 2010 Reissue) paras 1620–1627.

For cases on relevancy generally, see 7(1) *Mallal's Digest* (4th Ed, 2010 Reissue) paras 2358–2370.

For cases on s 300 of the Penal Code, see 4 *Mallal's Digest* (4th Ed, 2005 Reissue) paras 1474–1497.

For cases on scope and effect of cross-examination, see 7(1) *Mallal's Digest* (4th Ed, 2010 Reissue) paras 1175–1176.

Cases referred to

Abdullah Zawawi bin Yusoff v PP [1993] 3 MLJ 1; [1993] 4 CLJ 1, SC (refd)

Dato Mokhtar bin Hashim & Anor v PP [1983] 2 MLJ 232, FC (refd)

Mat v PP [1963] MLJ 263 (refd)

Seraman @ Jayaraman a/l A Adipan v PP [2009] 3 MLJ 64; [2009] 5 CLJ 123, CA (refd)

Wong Swee Chin v PP [1981] 1 MLJ 212, FC (refd)

Yeap Boon Hai v PP [2010] 2 MLJ 433, FC (refd)

Legislation referred to

Evidence Act 1950 s 8

Penal Code s 300(d)

Musli bin Ab Hamid (Deputy Public Prosecutor, Attorney General's Chambers) for the prosecution.

Bernard Philip Lanat (BP Lanat & Co) for the accused.

Rhodzariah Bujang JC:

[1] This accused is charged with murder most foul. He is alleged to have killed his own sister-in-law, one Mordhiah bt Hamden, aged 43 years old by pouring petrol on her and setting her up on fire.

[2] The prosecution called eight witnesses to prove their case. One was an eye witness to the incident. She is the victim's own aunty, Puan Habibah bt Bujang ('PW2') who testified that on the night of the incident (17 October 2008 at about 9pm) she was watching television with the victim (who was seated on a mattress) when the accused who was prior to that, going in and out of the house in an agitated manner, poured petrol over the victim, struck

a stick match and ignited her. When the deceased was burning, he ran, only to surrender himself to the police station on the same night.

[3] Puan Habibah said in her evidence that even before he poured petrol on the victim, the accused had already had his motorcycle's engine running and made his escape immediately after. The pail which the accused used to pour the petrol and the partially burnt mattress were tendered as court exhibits after identification by Puan Habibah.

[4] The victim's father and brother ('PW3' — Encik Hamden bin Abem and 'PW4' — Salleh bin Hamden respectively) both gave evidence for they were in the house at that material time. They did not witness the act of the accused but heard the victim's cry for help and saw her in flames. Both confirmed that the accused was present in the house at that material time. Encik Hamden also testified that before the incident, he saw the accused going to his bedroom where his wife (who was in confinement) and children were. He saw the accused closed the bedroom door with a thud and said to his family '*Selamat tinggal kitak semua*' in local Sarawak Malay which means 'goodbye to all of you'. It was after this that he heard the victim screaming and saw her on fire which both PW3 and PW4 subsequently managed to put out.

[5] The victim was brought to the hospital immediately after the incident but passed away after that. The post-mortem report of Dr Hj Jamil Dolkadir stated that death was caused from extensive burns throughout the body with inhalation of carbon particles.

SUBMISSION OF NO CASE TO ANSWER

[6] The defence in their submission sought to challenge the credibility of Puan Habibah contending that it was riddled with inconsistencies but the only inconsistency pointed out by the accused's counsel is with respect to her evidence on the lights which was switched on in the house at that material time. In her examination-in-chief she said only the lights outside the house and kitchen were switched on but in cross-examination, she said the light in the bigger living room was also switched on. There were two living rooms, adjacent to each other but the smaller one was the one used by the witness and victim to watch television. Mr Bernard Philip for the accused, submitted that she mentioned about this light in the bigger living room simply to justify her assertion that the accused committed the crime, when in fact it was merely her own assumption that he did so, since there was no one else around at the ground floor of the house other than the three of them.

[7] In saying this, Mr Bernard Philip has failed to appreciate Puan Habibah's evidence that other than the lights she mentioned, there was also light from the television set which was switched on. From the photographs taken at the scene, in particular exh P2(4), it appears to me that the kitchen, the living room where the victim sat are adjacent to each other and separated with an opening. There must therefore be sufficient light from the kitchen, the television set and the outside, even if I were to discount the living room light to enable Puan Habibah to see what the accused was doing. Further, given that this was no public place, the witness and the accused were staying in the same house and the witness saw the accused going in and out of the house prior to the accident, she could not have mistaken him for someone else.

[8] The other point raised by Mr Bernard Philip is with regards to the evidence of the pathologist. It was also raised in his cross-examination and the pathologist agreed that he was not a burn specialist and that it is possible that he could be wrong when he determined the cause of her death was due to extensive burns. However, he repaired his own evidence in re-examination by saying *firstly*, that the chances of death due to the burn injuries was high and *secondly*, that his autopsy did not reveal any other injuries on the victim other than the burn. He reiterated that the burn was extensive and there was inhalation of carbon particles.

[9] Mr Bernard Philip had referred to the case of *Dato Mokhtar bin Hashim & Anor v Public Prosecutor* [1983] 2 MLJ 232 in support of his contention that I should disregard the evidence of the pathologist in this case because he is not a burn specialist and therefore his opinion on the cause of death cannot be accepted. In the cited case, Hashim Yeop A Sani J held that to qualify as an expert, a witness must be 'specially skilled in the field of the inquiry carried out by him'. What was called into question in this cited case was the evidence of the chemist which the learned judge eventually accepted after analysis of the same.

[10] In reply, deputy public prosecutor Musli bin Ab Hamid referred me to a recent Court of Appeal's case of *Seraman @ Jayaraman a/l A Adipan v Public Prosecutor* [2009] 3 MLJ 64; [2009] 5 CLJ 123 where the court accepted the evidence of a medical doctor, not even a pathologist, who concluded the cause of death as being attributable to the burn. What is interesting about this case, other than the acceptance of the evidence of a doctor on the cause of death is the evidence of the expert called by the defence (a specialist in internal medicine) who said that in the US, a person suffering 70% burns had a survival rate of only 20% to 30% and that in Malaysia the survival rate would be worst. He also testified that the best person to speak on the cause

of death of a deceased would be the doctor who attended to the patient and the one who conducted the post-mortem.

[11] In my view, this case is helpful to assist me in accepting the conclusion reached by the pathologist and to accept his finding that the cause of death was due to the extensive burn. Furthermore, he had in his re-examination repaired the doubt earlier raised in his cross-examination and that the cause of death of the victim in this case could not be due to anything else but the burns she suffered so extensively all over her body.

[12] In considering whether a prima facie case has been made out against the accused, I am greatly assisted by the latest decision of the Federal Court in *Yeap Boon Hai v Public Prosecutor* [2010] 2 MLJ 433 where the appellant was found guilty of murder after a fire which he set in a shophouse killed six persons, all members of his own family. The Federal Court held that if the most probable result of the accused's act is death of a person, then it is murder. The court also quoted *Ratanlah & Dhirajlal on Laws of Crimes* which states that the offence is murder even when there was no intention to cause death or to cause such bodily injury as is likely to cause death but nevertheless death was caused by an act which was done with the knowledge that 'it is so imminently dangerous that in all probability that will cause death'.

[13] The act of the accused in setting the victim ablaze after pouring petrol over her was indeed so 'imminently dangerous' that death is a probable result. His act falls squarely within the definition of murder under s 300(d) of the Penal Code and the discussion on the aforesaid section laid down by the Federal Court in *Yeap Boon Hai*'s case.

[14] In the circumstances, I have no hesitation in finding that a prima facie case has been made out against the accused and I called upon him to give his defence to the charge.

THE DEFENCE

[15] The accused gave sworn evidence. He claimed that in the evening of 17 October 2008, before the incident, the victim had physically abused his two children, aged seven and five years, respectively and one of whom was a special child. She allegedly had hit the special child on the right leg and punched the stomach of the younger child for being naughty. The misbehavior which allegedly angered the victim was the children taking their brother's pillow from a bedroom downstairs. The accused and the victim then had an argument about the alleged beating. Then that night the accused wanted to go out but found that his motorcycle fuel was low. He then took

petrol in a pail from underneath the staircase and tripped over a child's barrier causing the petrol in the pail to spill over the deceased who was seated nearby and watching television. A

[16] He then left and claimed that the victim was alive when he did so. Subsequently, when informed of her death and told by his father that the victim's brother and cousins were looking for him, he surrendered himself to the central police station. Before that the accused said he was at his brother's house at Paya Mede, 10th mile, (to calm himself down) having gone there from his parent's house at Siol Kandis after he left the victim's house. He said he was pressured by ASP Norsallihin to admit that he used a match to lit up the victim but implied that the mosquito coil which was placed near the victim was the cause of the combustion. B C

[17] In cross-examination, the accused admitted to have a good relationship with his father-in-law and Puan Habibah. He alleged that Puan Habibah did not possess good eyesight, good hearing and clarity of speech because of her age but with this assessment I could not agree, having seen her in the witness stand. She was lying on the floor while watching television so she could not have seen him poured petrol on the victim, said the accused. He maintained that after the accidental spilling of the petrol over the victim and when he left after that, the victim was not in flames. D E

[18] The mosquito coil he said was placed on its' stand and on a tray but agreed that both the tray and the stand were not seen in the photographs exhs P2(5), (6) and (7). He said he went to his brother's house to calm himself because his father-in-law told him that the victim was burnt. He disagreed that he went there because he was remorseful after setting the victim on fire and had ran away to his brother's house after committing the crime. The accused said when he returned to the house after being informed by his father-in-law that the victim was burnt, he did not enter the house because he was informed by the village folks that he had been accused of setting her on fire. F G

[19] The learned deputy public prosecutor has condemned this defence as one of a mere denial. I do not entirely agree it is so. In my view, it is one of accident — the spilling of the petrol and the victim's combustion was due to the mosquito coil which was placed near where the victim sat on the mattress. His counsel has put this defence across to Puan Habibah in her cross-examination of her which I reproduced below. H I

a That after the quarrel the accused went outside wanted to leave the house and started the motorcycle. The accused when he started the motorcycle found that the fuel was very low. So he went in again to take the petrol. As

A he was coming out with the petrol he quarelled with Mordhiah bt Hamden. In the heat of the quarrel, the petrol that the Accused was bringing spilled on Mordhiah bt Hamden. Immediately after the spill, the accused left with his motorcycle. What do have to say about that?

B b That is not true. They did not quarrel.

[20] It is to be noted that this version of the events that led to the death of the victim was quite different from what the accused testified in court for it must be remembered that in his evidence he said the petrol was spilled when he tripped over the child's barrier. Be that as it may I am prepared for now to keep an open mind and consider the defence further.

[21] However, considering the defence further brings me to another point D to discredit it. As rightly pointed out by the learned deputy public prosecutor, the defence failed to cross-examine the investigating officer of the case. ASP Norsallihin bin Nor Hashim on the presence of the mosquito coil stand and the milk tin cover used as the tray for the coil when the latter testified. Surely, if there had been one, at least the remnants of it (the stand and the tray) E would be observed at the scene and who better to see it than the investigating officer who went there at 2am; just a few hours after the incident took place. The probability of the defence of accidental death is in my view, compromised by the failure to elicit from this crucial witness (not just Puan Habibah) that there was no actus reus on the part of the accused. In this F regard, I would refer to the often quoted decision of the Federal Court in *Wong Swee Chin v Public Prosecutor* [1981] 1 MLJ 212 where it was held that failure to cross-examine a witness on a crucial part of the case amounts to an acceptance of his testimony.

G **[22]** From the accused's own evidence, and that of his father-in-law who saw him slammed the door of the bedroom before shouting goodbye to his family and Puan Habibah's admission that the victim did, before the incident, scold the accused's children for being naughty, it is safe for me to surmise that H the accused bore a grudge against the victim for the perceived ill-treatment of his children. My observation of his demeanour in the witness box bore this out as well. He was brash and defiant when giving evidence — not a hint of remorse or contrition after having caused the death of the victim, directly (or indirectly as per his own defence). It is clear that he was still smarting from I the verbal/physical abuse of his children by the victim. But his defence is not one of grave and sudden provocation. It is one of accident and I cannot believe that a mere spillage of petrol onto the body of the victim would ignite a fire from the mosquito coil so great as to engulf the victim in flames that burned her like a human torch. The extent of that burning is amply borne out

by the photographs of the victim taken at the mortuary and my description of her as a human torch is no exaggeration when one look at these photographs.

[23] If there was accidental spillage as alleged by the accused, with the pail being so small, and the combustion being caused by the mosquito coil, surely the victim would have time to instinctively save herself from being burned and would not have suffered the kind of burns seen in the photographs I mentioned earlier. And what about the reaction of the accused after being told of the fate of the victim? He said in his evidence that when his father-in-law told him about it he went back to the house but did not go in because he was 'informed' that the victim was burned by him (see p 70 lines 11–15 of the notes of proceedings). Surely, if the spilling of the petrol was accidental as he claimed, he would have no reason to go to his brother's house to calm his nerves and to also fear for his own safety so much so that he had to surrender himself to the police station? Conduct of the accused after the event is relevant to explain his state of mind at the material time and in this case it appears to me to point to his culpability of the offence as charged (see s 8 of the Evidence Act 1950 and the case of *Abdullah Zawawi bin Yusoff v Public Prosecutor* [1993] 3 MLJ 1; [1993] 4 CLJ 1).

[24] The learned DPP pointed out also in his final submission that the accused is not a witness of truth for he was shown to have lied when he told the court that he and his family had to move to his father-in-law's house as the latter had no one to care for him. The accused also claimed that he supported his father-in-law financially.

[25] His father-in-law was recalled for rebuttal evidence. He said, on the contrary, he and his elder son had to occasionally lend money to the accused who was servicing two loans at the material time. He said he had both the victim and his other son ('PW3') staying with him to care for him and even had his sister-in-law, Puan Habibah to help. Also, the accused moved to his house because the accused's mother had chased his daughter (the accused's wife) out of their house. So it was not true what the accused had claimed in his testimony.

[26] The accused had therefore been found to have told a lie in the witness stand. His credibility had been further shaken by this rebuttal evidence. I was therefore understandably cautious when I assess his whole evidence about the victim's death being an accident and I have already explained why I think that it was not.

[27] Finally, there is a clear absence of motive or reason why Puan Habibah (and the accused's father-in-law) would want to lie about the tragic events of

A that night and pinned the blame on the accused for the accused himself admitted that his relationship with both of them were good. These two old folks have lost someone dear to them. They obviously knew that their evidence would bring another loss to the family. They, especially Puan Habibah would have no reason to cause more grief for the family unless what
B she told was the truth. A witness of truth is what she is to me, and so is the accused's father-in-law.

[28] For all these reasons, I again say that I am not convinced of the accused's explanation with regards to how the victim got burned and further
C that explanation of his did not raise my reasonable doubt on the prosecution's case. Therefore, I convict him of the charge of murder as framed (see *Mat v Public Prosecutor* [1963] MLJ 263). There being no other sentence to pass I order that the accused be hanged from his neck until he is dead.

D **[29]** Exhibits (A) & (B), exhs P12A, P13(A), P14(A), P15(A), P16(A), P17(A), P18(A), P19(A), P20(A), P21(A), P22(A) and P23(A) to be destroyed by the prosecution after the lapse of the appeal record.

Accused convicted of murder and sentenced to death.
E

Reported by Kanesh Sundrum

F

G

H

I